

DRAFT MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, September 10, 2015, 9:30 a.m.
Charlotte County Administration Center
18500 Murdock Circle, Room 119, Port Charlotte, FL 33948

I. Call To Order and Pledge of Allegiance

II. Roll Call

III. Chairman's comments

A. REMINDER TO ALL VISITORS ADDRESSING THE COMMITTEE: PLEASE SIGN IN. It is helpful when preparing the Minutes. A clipboard and a pen are provided on the podium for your convenience.

B. REMINDER TO ALL MEMBERS STATE THEIR NAME AND ORGANIZATION and TO USE THE MICROPHONE WHEN ADDRESSING THE COMMITTEE. It is helpful when preparing the Minutes.

C. REMINDER TO ALL MEMBERS AND VISITORS TO PLEASE SILENCE THEIR CELL PHONES.

IV. Changes to the Agenda

None were noted.

V. Citizen Comments on Agenda Items

None were offered.

VI. Regular Business

A. Approval of the Minutes of the Pre-Agenda Meeting from September 3, 2015 – Additions, Corrections or Deletions. Approved by acclamation.

B. Approval of the Minutes of the Regular Meeting from June 11, 2015 – Additions, Corrections or Deletions. Approved by acclamation.

C. MSBU Update

Mr. Mopps provided comments in support of his most recent written report dated September 2015, in particular because there has been a lot of activity since the last meeting.

Alligator Creek and Buena Vista WW: Both are in similar stages of awaiting the National Marine Fisheries review, as indicated in Mr. Mopps' written report; members had no questions on either. Gulf Cove WW he cited as being interesting based on the alternative plan that had been proposed (described in the report.) The project is too new to have received any request for informal review from the Army Corps. He mentioned that they were nearing the end of the Harbour Heights permitting process which will allow continuation of activities the County has carried out over the last 15 years; he discussed the need for an updated survey, which has been requested from the consultant. Moving on to the Manchester WW, results had been received from that survey, that that will be reviewed with their MSBU Committee, as they may need to have some work done.

Moving on to Manasota Key North, we have gotten preliminary results very recently which shows that to nourish the northern end will take about one million cubic yards of material to get it to the same point as other similar projects in the County. Mr. Mopps discussed the different funding strategies: 1) get Sarasota County involved and do a project from the original study down to where the current project ends as the northern end of the state park property; 2) go forward with it as a stand-alone project down to just past the Charlotte County Beach Complex; 3) combine all work on the Key, pushing the material north (which would be about 1.3 million cubic yards) and look at alternate sand sources (on and off-shore), and do almost the whole coastline, which would ensure favorable state review; and if this would also involve Sarasota, it would be reviewed even more favorably. There should be more substantial material on this matter by the end of month; it will be discussed at the Beaches and Shores meeting on Oct 1st, and then discussed again in November. There were no questions on this item.

Regarding Pirate Harbor, Mr. Mopps stated that FWC did not agree with the strategies to mitigate sea grass impacts. The Army Corps also contacted the consultants with a suggestion to piggyback on the approach being used in other existing locations in the same watershed; that is the direction this project will now be going. South Gulf Cove now has a very favorable bid for creating the turn basin; there has been a 'ground truth' walk done with the contractor, and a date has been established to commence work.

There was a brief discussion with Commissioner Deutsch about the need to correct the date in the Project Update Report to reflect that this report refers to August 31st.

With regard to the South Gulf Cove (SGC) Parallel Lock matter, this is in final negotiations with DMK for the design work. There has also been an informative meeting with the SGC waterway committee regarding the preliminary construction cost estimate of from \$3,500,000 to \$4,000,000; the SGC folks want to move forward, and DMK is going to submit an updated bid to get within that budget.

On the Stump Pass project, things are going good so far. Mr. Mopps indicated he'd had a meeting with Congressman Rooney, which including taking him and his delegation out for a tour various projects, and he also was given all the relevant materials with a request for help in getting FWC moving on their review, with the point made that we could lose \$2.5 million in cost-sharing funds. FWC had committed in a letter to being done with their review by the end of September, and the project could go to bid in October. The final permit has been issued by DEP; so that part of the project is good to go. Capt. Blago sought to establish that the project is on track for a November start to their physical work; specifically, will the work on the terminal groin start in November as previously discussed. Mr. Mopps responded that it might be Dec. 1st, but the essential time frame is the same. He noted that we will be telling the contractor when things need to be completed, we're not telling them when to commence. Capt. Blago then had a question about the terminal groin itself: will it be attached to the shoreline and will people be able to access it; Mr. Mopps responded affirmatively, noting that the groin is a sloped structure that will disappear under the waterline at some point along its length. It won't be like the North Jetty in Venice. Capt. Blago asked if people would be able to fish from it, and Mr. Mopps responded that

would only be possible from one side, because the opposite side would be back-filled with sand. People will have about 100 feet after which it slopes out to fully submerged. Finally, it was established the structure would be all rock, not concrete. Capt. Blago wanted to be sure it was understood that people will try to turn it into fishing pier; Mr. Mopps observed that the property belongs to the state part so it would be up to them what was permitted. Ms. Buck asked if there would a light at then end, and who would maintain it. Mr. Mopps confirmed there would be a light, maintained by Charlotte County.

The group then turned to the last item on the Project Report, concerning Dayboards and the extension of the slow speed/minimum wake area in Gasparilla pass. The application has already been submitted to FWC and the Feds. FWC wants more justification for the extension of that zone; the ACOE has no issue with it. The county attorney is getting affidavits from the Marine Patrol in support the request; Jason Ouimet has placed cameras out there to get a boat count to support the request also. Mr. Mopps said he had also approached the Public Works Mosquito Control regarding the possible use of the helicopters, to take flights over the area when boats congregate at the sand bar on the weekend or holiday, to get photos in further support of the request. A package containing all of this data will be sent to FWC, in hopes with will encourage them to grant the permit. Commissioner Deutsch also commented that he has been working with a citizen on the project, keeping a list of incidents on the waterways. He suggested coordinating with the Commission Assistant to get this information to include in the package. Further discussion ensued on this process and the possibility of costs being shared by WCIND.

Mr. Harris raised a question regarding the Alligator Creek project; National Marine Fisheries started in April of this year; SGC began in April 2014, so do we have another 8 months to go on this? Mr. Mopps responded that he had engaged the legislative contact to push on this; however, Stump Pass remains the major priority, due to the money potentially at risk. He said he could indicate that the Alligator Creek issue should be the second priority. Further discussion ensued on the time frames, and Mr. Mopps indicated the variety of frustrations and extra expense (e.g., for updating surveys) that arise for everyone on account of the delays.

- D. City of Punta Gorda Pumpout Boat Activity Logs – After opening remarks by Chairman Ireland, Mr. Harris commented on the same issue: they both would like comment from the City to explain how they gather and prepare this data; for instance, in one entry it appears that the boat went 26 miles within Laishley Marina and used 28% of the fuel. In particular, they were referring to the entry for 8/20. Ms. Buck noted that MAC's best source of information is Mr. Buckley or Rusty Miles. Mr. Ireland indicated the need to request that for next month, preferably by having someone from Laishley Marina come to address the meeting, and he said he would contact them to arrange it. However, David Johnston addressed the issue, indicating that the future of the pump-out boat has been resolved by WCIND denying their request for funding, because they will no longer fund operations. So MAC won't be funding that operation in future, unless the membership wants to fund thru BIF. That question was not further addressed.
- E. Budget Update – Mr. David Johnston, Fiscal Analyst, offered comments with respect to his previously-distributed updates. His retirement is coming in

January, and he introduced Jim Darden as his replacement. They have been working on getting Mr. Darden up to speed. Mr. Johnston then noted that all of the outstanding projects funded by MAC have been completed and the monies paid out, with 3 exceptions: Stump Pass (their \$150,000 grant will be extended); the Bay Scallops project (it was agreed to carry-over this project, based on conversations with Betty Staugler); and the CHCRA gateway (he indicated Debrah Forester was here to discuss this item) where the BIF funding would be extended to her for one more year. However, the WCIND project cannot be extended any further, so that project will close and MAC is being asked to approve the emergency funding request which is on today's agenda, essentially to restore that funding. A request is being made to WCIND to reimburse the \$60,000, and will probably have a similar amount to request from them at the end of September. Mr. Johnston also commented on the cash-forward balances shown in his memo, noting that these cover the coming two years.

Chair Ireland offered praise to DJ for his very diligent work for the Committee. Ms. Buck asked whether requesting the emergency funds will affect us negatively, since the report shows a balance of emergency funds at only \$75,000; Mr. Johnston reassured that with an additional \$900,000 reserved for disasters, there would be no shortfall. Some additional discussion ensued.

VII. New Business

VIII. Old Business

- A. Charlotte Harbor Gateway Phase 1 - \$200,000 carry-over
- B. WCIND Emergency Grant Phase 1A - \$68,658 -- Deborah Forester spoke on the project and showed a PowerPoint presentation about the progress of work at the site. She noted that the project is scheduled for completion in March 2016. She noted that the present request for funding arose out of the timing of the drawdowns going to seek for reimbursement. Mr. Hamilton asked for the definition of "emergency"; Commissioner Deutsch responded that the project has had two extensions and can't request another extension, under the rules. He emphasized that this funding has already been agreed to, but based on delays generated by the Feds and the State, at this point, the funds could only be accessed in this way. Mr. Harris sought to add clarification, noting that the project was 95% ready to go 5-6 years ago, money was voted back then; but the delays caused by other agencies force us to keep renewing the request, and we've run out of renewal opportunities. Further discussion and clarifications were offered; Mr. Rose summarized by pointing out that the House of Representatives created the situation, by failing to fund the Highway Transportation Act, which had trickle down consequences. On Motion made by Mr. Rose and seconded by Mr. Harris, the matter was unanimously approved.
- C. Flotilla 98 Emergency Communications Equipment – Flotilla Staff Office William Bareither said that his group was requesting the funds based on lightning damage to their electrical equipment in the Punta Gorda Isles Community Center, creating a total loss for two radios, a power supply, battery backups and a trickle-charger. Capt. Blago observed that lightning is a fact of life here, and asked whether there was anything the group could do to protect these electronic items; Mr. Bareither responded with details regarding the power surge protectors

that had been in use. He also pointed out that the group rents this space and feels they should have the equipment. Mr. Hamilton asked if insurance covered this and Mr. Bareither responded that it did not. Mr. Rose, also from the Isles Civic Association, added that such an expense would be well within the deductible; he also commented that this equipment is on surge protectors but not UPS items. Mr. Harris noted that he has an FPL UPS and FPL doesn't cover damage to electronics. Ms. Buck motioned to approve \$831.00, seconded by Mr. Gertner. Mr. Bareither noted that surge protection equipment is part of the current request. Chair Ireland called the question; Ms. Bareither recused herself on the vote, which was otherwise unanimous.

- D. YMCA / Learn to Sail Agreement – Chair Ireland asked that Mr. Johnston summarize the points at issue in this matter. Mr. Johnston went over the background, noting that the group's concern was that there would be continuity if the YMCA and the Learn to Sail organization were to go their separate ways; specifically, that the boats purchased with the requested MAC grant money stay with the Y, and do not go with the teaching group, which has happened before. He noted that Learn to Sail and Y have been negotiating and that their principals were here so the group can ask them questions.

One alternative would be for MAC to fund Learn to Sail instead of the Y, and Learn to Sail (LTS) would rent facilities from the Y. Mr. Johnston noted that questions regarding the proposed alternative included concerns that, if we chose to fund LTS, which rented facilities from Y on a month-to-month agreement, then what would happen with LTS if the Y found another use for the building? That point caused Mr. Johnston to want to see at least a year's lease arrangement between the two.

Another option is that the Y gets the boats, but can't teach sailing. At this point Mr. Johnston indicated he wants to turn the discussion over to the principals. Mr. Dunn spoke for the YMCA: He noted that the building they use is leased from City of Punta Gorda on an annual lease which renews in April. He confirmed that LTS would have a place until April; he added that he assumes the city will renew the lease, but can't guarantee what the city will do.

As for the LTS group itself, they have developed over time, and while there are no guarantees they will remain stable, they certainly seem to be at present. Mr. Harris had questions about the three-page draft agreement: is LTS a 501(c)3; Mr. Dunn responded that it was. Mr. Harris asked whether there was a signed agreement between the parties at the moment; Mr. Dunn responded, not at this time. Mr. Harris mentioned student registration, and sharing of the fees; but Mr. Dunn indicated that was an old draft. Mr. Johnston handed out several copies of the new draft. Mr. Harris indicated that he personally was uncomfortable over a number of points, most importantly that if the boats were transferred to LTS and they went out of business, it seemed they would be free to sell the boats. Mr. Dunn said in those circumstances, the boats would come back to the Y.

Capt. Blago applauded the general effort, and asked, with reference to a 'worst-case scenario' where LTS is out of the picture, is the Y prepared to take over the program and do the teaching? Mr. Dunn responded yes, pointing out that the Y had started this program and could continue it. Capt. Blago asked who now had legal possession of the boats; Mr. Dunn stated the Y had possession; Capt. Blago asked if it was the Y's intention to transfer ownership to LTS, and Mr. Dunn

indicated it was. Capt. Blago indicated he would be asking the LTS principal whether they would be willing to transfer them back if things failed. Mr. Dunn indicated that the agreement between LTS and the Y called for that to happen.

Mr. Dauster asked about the other group doing sailing instruction and what the difference was between the two groups. Ms. Buck indicated that was the Charlotte Harbor Community Sailing Center which had moved to the Port Charlotte Beach complex; she indicated it was a different program. Chair Ireland asked what the current participation in the program is; Mr. Dunn responded that they had 80 students for each of the last two summers; this year, however, the School Board reduced summer vacation by two full weeks, so the program had two weeks' less sailing this year, affecting the total number of kids in the program. Ms. Buck indicated that 60 kids were served, including AMI-Crossroads kids done strictly as volunteers.

Mr. David Blair of LTS spoke next, responding to the question what happens if LTS moved out of County; he also noted that it was in the agreement between LTS and the Y that the boats go back to the Y.

Mr. Harris asked about language in the new agreement, in the third sentence about background check standards; who does those background checks? He also suggested those standards should be attached to the agreement. Mr. Blair responded that current standards are those imposed by the Y's insurance company; LTS expects to have a new insurance provider that may have different standards for the check and he indicated LTS would abide by whatever those standards turn out to be. Mr. Dunn indicated that the Y's present arrangements are with Redwoods, the group that insures half of all the YMCAs in country and gave some information about their requirements. He repeated Mr. Blair's comment that any new insurance company will have their own standards.

Mr. Hamilton asked whether the lease agreement prevent you from sub-leases; Mr. Dunn said it did not, and he keeps City officials in the loop on current arrangements; he said the city is happy to have the program. Ms. Buck asked about the current agreement not including the kitchen area which had formerly been in use yet rent has gone up; Mr. Dunn indicated that the "office" will become storage for the programs' materials. He acknowledged they do need more storage, hopefully outside storage.

Ms. Bareither asked about the insurance which was then more fully discussed. Mr. Harris also asked who will pay for maintenance of the boats after the transfer; Mr. Dunn responded that LTS currently has control of and pays for maintenance on the boats now.

Mr. Johnston had a question for Mr. Dunn: If the city extends your lease, would you continue to work with LTS, and Mr. Dunn responded: "absolutely". Mr. Harris said he understood this was a one-year-at-a-time agreement; Chair Ireland indicated that was the case. Mr. Rose made a motion to modify the existing authorization to include Learn To Sail; Mr. Hoagland seconded. Further discussion ensued and Mr. Gertner observed that it seemed LTS should request the change; Mr. Blair then did so. Chair Ireland called the question; Ms. Buck recused herself, and the motion was unanimously approved.

IX. Citizen Comments

none

X. Good of the Order

- Ms. Buck commented on her existing appointment to liaise with the Beaches and Shores Committee, indicating that she was looking for direction on whether she should keep on attending that or shift to attending the MAC pre-agenda instead; Capt. Blago offered to step into that position for 90 days, and his offer was accepted.
- Gerry Meckenberg reminded members that in October, the first of the month is also the first Thursday, and thus MAC pre-agenda. He has asked for a reminder to attendees in the form of an email reminder from the Recording Secretary.

XI. Next Meetings

- The next Pre-Agenda Meeting will be held Thursday, October 1, 2015 at 9:30 a.m. in B-106.
- The next Regular Meeting will be held Thursday, October 8, 2015 at 9:30 a.m. in Room 119

XII. Adjournment

On motion made and unanimously accepted, the meeting was adjourned at 10:56 a.m.